

likewise was the case of an insolvent partnership, the Chancellor in May, 1832, ratified the report of the Auditor, allowing the receiver five *per centum* of the proceeds of the sales.

By an order passed on the 22d of May, 1844, in the case of *Landstreet vs. the Shot Tower Company of Baltimore and others*, the Chancellor, upon the petition of certain trustees, appointed by deed for the benefit of the creditors of the company, allowed to them and their successor eight *per cent.* upon all sums actually collected and disbursed by them. The Chancellor, in the order in question, considered that case as analogous to one arising under the insolvent laws, and granted the commission expressly in consideration of the *great trouble* the trustees had. This it will appear was not the case of an allowance to a receiver but trustees, and might be urged, therefore, as a precedent for allowing them in all cases of insolvent corporations or partnerships the same rate of commission. It is, however, manifest, as it seems to me, that the allowance was not made so much in deference to the analogy referred to as in consideration of the great trouble which the trustees had encountered, which, according to the standing order of the court, would have entitled them to a compensation exceeding the scale fixed by that order. This case, therefore, cannot be understood as establishing a rule applicable to the proper allowance of commissions to receivers, and distinguishing between them and trustees. It was the case of trustees, and the analogy to the insolvent system spoken of by the Chancellor, must, therefore, be regarded as applying to them, and would in all cases entitle them to a commission of eight *per cent.*, if the rule suggested is to be considered as the established rule of this court.

In the case of *White vs. White*, in 1844, which was the case of a partnership, and in which receivers were appointed, they were allowed a commission of eight *per cent.* upon the *rents and profits*, and upon the proceeds of sales according to the usual chancery scale upon sales made under its decrees and orders. In the case of *White vs. White*, the Auditor's report in which the above allowance was made was ratified on the 20th of December, 1844, though by an order passed upon the 2d of